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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

KATHLEEN M. HANSON.

Case No.: C 07-00515 PJH

Plaintiff,

**REVISED STIPULATION AND
REQUEST FOR ORDER MODIFYING
PRETRIAL DEADLINES; ORDER**

vs.

RITE AID CORPORATION,
a Delaware corporation,

Defendant.

REVISED STIPULATION AND REQUEST FOR ORDER MODIFYING PRETRIAL DEADLINES;
ORDER

1 Plaintiff Kathleen M. Hanson ("Plaintiff") and defendant Rite Aid
2 Corporation ("Defendant"), by and through their respective counsel, submit the
3 following stipulation and request for order modifying the pretrial deadlines in
4 this case.

5 **RECITALS AND STIPULATION**

6 1. The parties completed written discovery (including requests for
7 admissions, interrogatories, and requests for documents) and scheduled a joint
8 trip to Redding, California on February 25 and 26, 2008, for depositions.
9 Plaintiff's deposition was scheduled for February 25, 2008, and the depositions
10 of two of Rite Aid's employees were to be taken on February 26, after the
11 completion of plaintiff's deposition.

12 2. Plaintiff's deposition proceeded on February 25 as planned.
13 Approximately an hour into the deposition, plaintiff's counsel and plaintiff took
14 a break. When they returned from the break, plaintiff's counsel reported that
15 plaintiff was on medication and suggested that the medication might be
16 affecting her ability to remember things. Defense counsel questioned her in
17 that regard, and she testified that she felt her medication was impairing her
18 ability to remember details.

19 3. Defense counsel noted on the record that plaintiff's testimony that
20 she could not recall things due to her medication posed a problem in terms of
21 completing the deposition. Plaintiff's counsel agreed. Plaintiff's counsel
22 suggested that plaintiff needed to be evaluated by a clinician to determine
23 what, if any, problem her medication presented. Counsel agreed the deposition
24 should be suspended subject to that evaluation.

25 4. Plaintiff's counsel has represented that plaintiff has been evaluated
26 by her psychologist, Marie Witt, Ph.D., and that Dr. Witt has indicated that
27 plaintiff should have recovered sufficiently by April 14, 2008, to enable her to
28 give an accurate deposition.

1 5. The parties are attempting to reschedule the depositions for the
2 first available dates.

3 6. The parties have lost more than two months in terms of their
4 ability to complete the crucial depositions in this case due to the foregoing.

5 7. On April 21, 2008, the parties submitted a stipulation requesting a
6 modification of the scheduling order. The stipulation was denied on April 22,
7 2008, because the dates proposed by the parties would have required a hearing
8 on dispositive motions fewer than 120 days before trial, contrary to the Court's
9 practice and standing order.

10 8. WHEREFORE, in an effort to partially compensate for the time lost
11 due to plaintiff's inability to complete her deposition and remain on the current
12 dispositive motion schedule, the parties hereby stipulate to and request a slight
13 modification of the scheduling order, as follows:

14 Current Date: Proposed Modified Date:
15 Non-expert discovery cut-off: May 23, 2008 June 23, 2008
16 All other dates to remain the same.

17 8. The requested modification will not affect the current pretrial
18 conference or trial dates.

19 **IT IS SO STIPULATED.**

21 Dated: May 12, 2008 KELLY, HERLIHY & KLEIN LLP

23 By /Thomas K. Hockel/
24 Thomas K. Hockel
25 Attorneys for Defendant
26 RITE AID CORPORATION

27 Dated: May 12, 2008 PAUL B. MEADOWBROOK, P.C.

1 By /Paul B. Meadowbrook/
2 Paul B. Meadowbrook
3 Attorneys for Plaintiff Kathleen
M. Hanson

4 **ORDER**

5 Having considered the parties' stipulation, and good cause appearing, the
6 Court modifies its scheduling order, as follows:

7 Current Date: New Date:
8 Non-expert discovery cut-off: May 23, 2008 June 23, 2008
9 All other scheduling deadlines remain the same.

10 **IT IS SO ORDERED.**

11 Dated: 5/13/08

